



Know Your Rights: Federal Laws Protecting Religious Freedom

Religious freedom is the first right listed in the Bill of Rights, and thus is often referred to as the “First Freedom.” The Constitution prohibits Federal, State, and local governments from infringing the free exercise of religion, or from establishing religion. In addition, various Federal laws protect religious freedom. The Civil Rights Division of the Department of Justice enforces these constitutional and statutory protections. Below is a brief overview of how the Civil Rights Division helps protect religious freedom, and how you can receive more information or assistance.

Employment Discrimination: Federal law prohibits religion-based discrimination by employers, whether public or private, and by unions. The law also requires employers to make a “reasonable accommodation” of your religious beliefs and practices, such as Sabbath observance or the wearing of religious jewelry or clothing. These provisions, however, do not apply to religious institutions, which are permitted to preserve their religious character and autonomy through hiring and staffing decisions.

Discrimination in Education: Students in public schools, as well as public colleges and universities, may not be discriminated against based on religion in educational opportunities, including extracurricular activities. Students are free to form Bible clubs, for example, to the same extent that they may form secular clubs. Students also do not shed their right to religious expression at the schoolhouse gate.

Access to Public Accommodations and Public Facilities: No one may be denied equal use of public accommodations, such as restaurants or hotels, on account of their religion. Similarly, publicly owned facilities, such as community centers, must be open to religious individuals and groups on the same basis as everyone else.

Housing Discrimination: No one may be discriminated against in the sale, rental or enjoyment of housing because of their religious beliefs. This includes equal access to all the benefits of housing: someone could not, for example, be excluded from reserving a common room for a prayer meeting when the room may be reserved for various comparable secular uses.

Land-Use Issues: Federal law protects against unduly burdensome or discriminatory government restrictions on your right to use your property for religious purposes. For example, zoning officials cannot prevent you from holding a prayer meeting in your home if similarly sized social gatherings are permitted. Likewise, houses of worship may not be excluded from zones where secular assemblies such as fraternal organizations and meeting halls are permitted.

More information about these and other rights, including color brochures and fact sheets you can download and print, is available at <http://www.usdoj.gov/crt/religdisc/religdisc.html>. You can also call the office of the Special Counsel for Religious Discrimination to order materials or inquire about your rights at (202) 353-8622.